APPROVED MINUTES* SUNNYVALE CITY COUNCIL MEETING **TUESDAY, OCTOBER 28, 2008**

5 P.M. SPECIAL COUNCIL MEETING (Closed Session) - Conference with Labor Negotiator pursuant to Government Code Section 54957.6; Negotiator: Erwin Young, Director of Human Resources; Employee Organizations: Service Employees International Union (SEIU) Local 715 (part-time employees); Sunnyvale Management Association; Amy Chan, City Manager; David Kahn, City Attorney; and Unrepresented Employees.

6 P.M. SPECIAL COUNCIL MEETING (Closed Session) – National League of Cities (NLC) Congress of Cities Conference Information and Intergovernmental Relations (IGR) Advocacy Update.

7 P.M. COUNCIL MEETING

SALUTE TO THE FLAG

Mayor Spitaleri led the salute to the flag.

ROLL CALL

PRESENT: Mayor Anthony Spitaleri

> Vice Mayor Melinda Hamilton Councilmember John Howe Councilmember Otto Lee Councilmember Ron Swegles Councilmember Christopher Moylan Councilmember David Whittum

ABSENT: None

STAFF PRESENT: City Manager Amy Chan

Assistant City Manager Robert Walker

City Attorney David Kahn

Senior Assistant City Attorney Kathy Berry

Director of Community Development Hanson Hom

Director of Human Resources Erwin Young

Director of Public Works Marvin Rose

Director of Finance Mary Bradley

Transportation and Traffic Manager Jack Witthaus

Planning Officer Trudi Ryan City Clerk Gail Borkowski

CLOSED SESSION REPORT OF OCTOBER 28, 2008

Conference with Labor Negotiator pursuant to Government Code Section 54957.6; Negotiator: Erwin Young, Director of Human Resources; Employee Organizations: Service Employees International Union (SEIU) Local 715 (part-time employees); Sunnyvale Management Association; City Manager Amy Chan; City Attorney David Kahn; and Unrepresented Employees.

Vice Mayor Hamilton reported direction was given, but no action was taken.

PUBLIC ANNOUNCEMENTS

Councilmember Howe discussed the parking assessment district. At the October 21, 2008 Council meeting, Councilmember Howe asked staff to verify whether the area of private patios in the downtown restaurants was included in the total area for the purposes of calculating the parking district assessment. Staff reported back and confirmed that neither the private patio nor the sidewalk dining public right-of-way was included in the total area of the parking district assessment; the assessment was based only on the enclosed building.

Vice Mayor Hamilton reminded residents to change their clocks and their batteries in their smoke alarms for the end of Daylight Savings Time. Vice Mayor Hamilton also congratulated the mayor on the phenomenally successful pet parade on Sunday.

Kathleen King introduced Kevin Zwick, Executive Director of the Housing Trust of Santa Clara County, and Jenny Bratton, Sunnyvale resident. King invited Council to participate in the Turkey Trot, noting there is a competition between the cities and the mayors. Zwick described the number of participants and volunteers from last year and stated the event raised \$220,000 for three local charities: Housing Trust of Santa Clara County, Food Bank and Healthy Kids Initiative. The year's goal is to raise \$250,000 for these three charities. King also asked people to bring food for Second Harvest. Councilmember Moylan clarified details about the Turkey Trot for his colleagues and discussed timing versus participation.

Josh Salans announced that on October 31, Full Circle Farm would be having a holiday hoedown including a haunted green house and special treats for children. He asked that everyone bring their children and have them dress in costume.

CONSENT CALENDAR

Mayor Spitaleri pulled Item 1.F. from the Consent Calendar.

Vice Mayor Hamilton moved, and Councilmember Howe seconded, to approve the Consent Calendar with the exception of Item 1.F.

VOTE: 7-0

1.A. Approval of Information/Action Items – Council Directions to Staff

Staff Recommendation: Approval of Information/Action Items – Council Directions to Staff

Fiscal Items

1.B. MOTION List of Claims and Bills Approved for Payment by the City Manager – RTC 08–318 List No. 424

Staff Recommendation: Council reviews the attached lists of bills.

1.C. MOTION RTC 08–319

Approval of Budget Modification No. 16 in the Amount of \$4,000 to Appropriate Set-Aside Funds for Reimbursement of Sunnyvale Heritage Museum for Pacific Gas and Electric Costs Per Agreement Dated September 12, 2006

<u>Staff Recommendation</u>: Council approves Budget Modification No. 16 in the amount of \$4,000 to reimburse the Sunnyvale Historical Society Museum Association for PG&E bills up to \$4,000 for FY 2008/09 as stated in the agreement between the City and the Sunnyvale Historical Society and Museum Association dated September 12, 2006.

1.D. MOTION RTC 08-306

Authorization to Accept and Appropriate \$11,263 in Grant Funds from the California State Library for the Library Services and Technology Act (LSTA) Grant Program and Appropriate \$5,506 from Existing Library Foundation Program Grant Project Funds to Provide a Third Year of Access to Out-of-School Time Online Homework Assistance Program, and Approval of Budget Modification No. 8

<u>Staff Recommendation</u>: Council accepts and appropriates \$11,263 in grant funds from the California State Library for the LSTA grant program and appropriates \$5,506 from existing Library Foundation Program Grant project funds to provide a third year of access to Out-of-School-Time Online Homework Help, and Online Homework Assistance Program, and Council approves Budget Modification No. 8.

1.E. MOTION RTC 08-305

Authorization to Accept and Appropriate \$10,000 in Grant Funds, Along With Equipment and Training in FY 2008/09 and Accept \$5,000 Project Continuation Grant Funds in FY 2009/10 from the California State Library for the Library Services and Technology Act (LSTA) Digital Storytelling Station Grant Program, and Approval of Budget Modification No. 9

<u>Staff Recommendation</u>: Council accepts and appropriates \$10,000 in grant funds, along with equipment and training in FY 2008/09 and accepts \$5,000 project continuation grant funds in FY 2009/10 from the California State Library for the LSTA Digital Storytelling Station grant program, and approves Budget Modification No. 9.

1.F. MOTION RTC 08-326

Transmittal of the FY 2006/2007 Performance Results Audit of Program 646 – Arts and Recreation Programs and Operation of Recreation Facilities

Mayor Spitaleri stated he understood Item 1.F. was pulled because additional information was needed. City Manager Chan verified that his understanding was correct. City Manager Chan requested Council reschedule Item 1.F. to the November 18, 2008 Council meeting.

MOTION: Vice Mayor Hamilton moved, and Councilmember Howe seconded, to move Item 1.F. to November 18, 2008.

VOTE: 7-0

Personnel

1.G. MOTION Amendment of the City's Contribution for CalPERS Medical Insurance for SEA and Management Annuitants (Retirees)

<u>Staff Recommendation</u>: Council adopts resolution amending the City's contribution for medical insurance with CalPERS in compliance with the Public Employees' Medical and Hospital Care Act, and to amend the Salary Resolution to reflect the change in contribution.

Contracts

1.H. MOTION Award of Bid No. F0809-16 for Tertiary Plant Tank Drainage System Modifications

<u>Staff Recommendation</u>: Council awards a contract, in substantially the same form as the attached draft and in the amount of \$248,000 to Precision Engineering, Inc for construction of the Tertiary Plan Tank Drainage System Modifications Project, and Council approves a project contingency in the amount of \$37,200.

1.I. MOTION Award of Contract for Handheld Data Entry Devices and Related Technical Support for the Water Pollution Control Plan (F0605-105)

<u>Staff Recommendation</u>: Council awards a contract, in substantially the same form as the attached draft and in an amount not to exceed \$120,331, to DataSplice, LLC to provide handheld data entry devices and related technical support as required by the Public Works Environmental Services Division.

Other Items

1.J. MOTION Resolution Authorizing Destruction of Certain Documents, Video Files, and Audio Files Pertaining to Public Safety Business Eligible for Destruction

<u>Staff Recommendation</u>: Council adopts resolution for destruction of specified records and recordings from the Department of Public Safety.

1.K. MOTION Council Approval by Resolution of Participation in the Integrated Waste Management Board, Waste Tire Enforcement Grant Program for a Period of Five Years (Through 2014)

<u>Staff Recommendation</u>: Council, on behalf of the NOVA seven-city consortium and in concurrence with the NOVA Workforce Board, approves the NOVA Local Workforce Investment Area Five-Year Strategic Local Plan Modification for Program Year 2008-09.

STAFF RESPONSES TO PRIOR PUBLIC COMMENTS

None

PUBLIC COMMENTS

Wilma Anderson stated she wanted to say goodbye and good luck to City Manager Amy Chan. Anderson noted City Manager Chan always had a smile and a nod for her.

Anderson stated she visited the Unique Boutique at the Sunnyvale Senior Center, and thanked the City and stated the boutique keeps the fingers and the mind busy while providing a place to sell handmade items. Anderson provided information on the upcoming Fall Preview scheduled for November 6 and 7 from 10 a.m. – 3 p.m.

Arthur Schwartz commented on the zeppelin that arrived from Germany. He noted the zeppelin is housed in Hanger 2 at Moffett Field, and rides will be offered to the public for \$450 to \$500 per person. He also noted having the zeppelin at Moffett Field represents aviation first in the United States, with Sunnyvale "winning out" against a number of other cities.

PUBLIC HEARINGS/GENERAL BUSINESS

2. RTC 08–325 Consider Boards and Commissions Appointment

City Clerk Borkowski presented the staff report.

Judi Miller received 7 affirmative votes; Robert Philbrook received 4 affirmative votes.

Council appointed Judi Miller to the Library Board of Trustees for a term to expire June 30, 2012.

3. RTC 08–320 Mary Avenue Extension Project Environmental Impact Report Certification and Project Approval

Jack Witthaus, Transportation and Traffic Manager, presented the staff report.

Slide not picked up by KSUN

Mary Avenue Extension Project EIR Certification Project Consideration

- Staff Presentation
- Project Overview
- Current Action
- Public Outreach
- Frequently Asked Questions
- Peer Review
- Conclusion
- Recommendation

City Attorney Kahn provided an overview of the function of the California Environmental Quality Act and Council action for the evening. All discretionary projects, unless they are exempt under CEQA, require environmental review prior to approval of the project by the City.

City Attorney Kahn stated the lead agency is the City of Sunnyvale, and Council was being asked to certify the completeness and the adequacy of the environmental impact report. In making that determination, it must be based on the evidence presented: written records, all

documents Council received, the EIR, correspondence, testimony at the hearing and any other evidence that was properly before Council.

City Attorney Kahn stated that in reviewing the EIR, Council must base its review on the City's independent judgment and full analysis of the environmental impacts and mitigation. Council also must conclude that fair disclosure of the environmental impacts in the EIR was made, and that there was substantial evidence supporting certification of the environmental impact report.

City Attorney Kahn referred to a letter Council received that afternoon from the Law Office of Alexander Henson on behalf of the Sunnyvale West Neighborhood. City Attorney Kahn stated the letter raised issues regarding the legal adequacy of the EIR. He noted it was a comment letter, and did not require a response at this point in the process. He pointed out that any comprehensive litigation analysis and response would require a separately noticed closed session with Council. He also stated he had quickly reviewed the letter and had some general responses to guide Council in its decision making process.

City Attorney Kahn said there were a number of cases cited in the letter that were advanced for the position that the EIR was not adequate. Upon looking at those cases, the determination was that most of the cases did not support the specific conclusions that were drawn from those cases; therefore, there was nothing in the letter that would preclude Council from moving ahead on certifying the EIR. Council could request additional work, but it was not required to do so, based on the submission of the letter. City Attorney Kahn stated there were a number of other factual issues which were responded to by transportation staff, and could be answered again.

Councilmember Whittum asked if it were possible for Council to ask questions, receive public testimony and then defer action until a subsequent meeting. City Attorney Kahn said that was an option available to Council.

Councilmember Whittum referred to the Amy Skewes-Cox letter of September 2, 2008, and stated that it was his understanding that the BPAC and planning commission did not have that letter available to them when they made their recommendations. Transportation and Traffic Manager Witthaus confirmed that was correct.

Councilmember Whittum stated there seemed to be a contradiction between the actual transportation impact guidelines and the response from Transportation and Traffic Manager Witthaus. Councilmember Whittum referred to paragraph 3 on page 1 of the guidelines. The guidelines stated that it was not intended that the TIAs would provide all information required for California Environmental Quality Act purposes. VTA encouraged members to include any other pertinent information not outlined in the guidelines, to identify environmental impact. Councilmember Whittum further stated that on page 17, the document stated "Transportation impact shall be evaluated for at least the following study scenarios: Existing conditions." He also stated that the actual guidelines contradicted what Transportation and Traffic Manager Witthaus included as an answer. Transportation and Traffic Manager Witthaus responded that the document did look at existing conditions, and the methodology had been adopted by Santa Clara County, the member agencies of the Valley Transportation Authority (VTA) – all of the jurisdictions in Santa Clara County – and it had become the de facto common methodology for conducting transportation analysis.

Councilmember Whittum referred to a comment in the Amy Skewes-Cox letter that stated if you use the existing conditions as the baseline, recirculation might be required, and asked if

this would be true. Transportation and Traffic Manager Witthaus stated that it was not accurate. Amy Skewes-Cox's analysis was tested in order to get an apple to apple magnitude comparison; no new significant impacts were found, even if a full, existing condition baseline were done.

Councilmember Whittum asked if the analysis referred to was part of or separate from the EIR. Transportation and Traffic Manager Witthaus stated it was part of the administrative record; there were portions in the final EIR and there were portions in the response to the Amy Skewes-Cox peer review.

Councilmember Whittum asked if the absence of an extension would be an impediment to growth in Moffett Park. Transportation and Traffic Manager Witthaus stated there were ways to not have the extension and still have growth in Moffett Park. The City's Policy on traffic congestion could be modified, allowing for more traffic congestion, or making statements of overriding considerations concurring with the traffic congestion, when considering new development.

Councilmember Whittum asked if the bridge were built, whether or not it would be favorable to rezone higher density on Mary Avenue; therefore, allowing more people to live closer to work? Transportation and Traffic Manager Witthaus stated that would be a policy decision.

Councilmember Moylan stated he had knocked on every door on Hollenbeck the previous Saturday afternoon, between Fremont and Danforth. He talked with 50 people. He asked two questions: (1) Do you have an opinion on the Mary Avenue overpass, and if so, what is it?; (2) Do you have any opinion on the possible lane reduction on Mary Avenue, and if so, what is it?

Councilmember Moylan stated nine people had any opinion on the overpass: five were against it and four were for it. One hundred percent of the people opposed any lane reduction on Mary Avenue. Councilmember Moylan stated the residents asked him to pass on several concerns: there is already too much traffic on their street; because Hollenbeck goes over 280, it is used disproportionately as a route between Cupertino and Sunnyvale; unusual amount of ambulance activity; two bus lines (54 and 55) use Hollenbeck; traffic generated by the Challenger School. Many residents asserted that most of the students who attend Challenger School are from out of town. Councilmember Moylan called Challenger School and asked if that were accurate, and the headmaster was unable to provide the information within in 24 hours. The headmaster did oppose a lane reduction on Mary Avenue.

Councilmember Moylan then discussed flyers disseminated by Sunnyvale residents, stating part of the plan was to increase Mary Avenue to 6 lanes and reduce street parking on that street; he said that was not part of the plan.

Public hearing opened at 8:27 p.m.

Barry Friedman asked that Council reject the Mary Avenue Extension Project because it offers inadequate benefit, relative to its high cost. Citing the FEIR, page 32, Friedman stated approximately 80 percent of commuters to Moffett Park are from remote cities and they arrive via freeway. He noted that to use the proposed bridge, commuters would need to exit freeways and travel over congested surface roads. Diverting freeway traffic to surface roads would increase traffic volume congestion, and would serve neither out-of-town commuters nor residents. He noted it had the potential of degrading quality of living in Sunnyvale.

Friedman also noted staff had mentioned there was potentially a future project involving direct access from Highway 237 to the Moffett Industrial Park. Friedman felt this would be a superior access solution for 80 percent of the commuters who would be going to Moffett Park.

Friedman said the DEIR (pages 45 to 52), showed the project's impacts on traffic volumes and intersectional level of service. Though there would be a useful reduction at Mathilda/237/101, there would also be an increase in volume on Mathilda south. There would be reductions in traffic volumes on Caribbean, Middlefield, Tasman and Ellis. Friedman noted these roads were built to handle heavy traffic volume and he did not see a need to reduce congestion on them. In terms of Mathilda Avenue, Friedman suggested focusing on improvements that appeared to be planned for Mathilda, 101 and 237, to see if they would offer relief instead of diverting traffic over to Maude and Mary which are ill-suited to handle extra traffic. He felt the bridge would fail to serve as a useful access roadway for 80 percent of the commuters. It also would not redistribute traffic in a useful manner, and in today's economy, undertaking this project would not be prudent or cost effective.

Debbie Staats noted that she had not heard of this proposed plan even though it had been planned since 1972. Staats noted the EIR stated future street parking may be removed to create new lanes on Mary Avenue. She lives on Mary Avenue and parking is a major concern. She also noted that once the bridge is built, other intersections would need to be expanded because of the increase in traffic. She discussed the issue of Mary Avenue being reduced to two lanes, with a third lane down the center for turning and bike lanes. She noted it would be a reduction of four lanes down to three lanes, just like it is between Homestead and Fremont. She stated if that were to continue, bike lanes are needed, traffic would be reduced, and all the problems that the increased traffic would create for the people living on Mary Avenue would be reduced. Mary Avenue residents could enter and exit their driveways, and it might significantly reduce the possibility that people would travel down Mary Avenue.

Jan Boehm stated the project would seriously impact the health, safety and well-being of Sunnyvale's residents. She felt a current neighborhood street would be transformed into an expressway, in order to open up a commute route for new employees and Moffett Business Park. She noted there are other traffic alternatives she felt had not been adequately considered. Alternative D is a reduced, two-lane Mary Avenue conversion from Fremont to Mary, which would create a middle turning lane for residents to access their driveways and to cross safely at the corners. This would also provide bike and parking lanes for residents. There would be one forward lane going in each direction, with improved, uninterrupted traffic flow, since drivers would not have to wait for turning cars. The middle lane would also afford safer crossing at dangerous corners. She stated the traffic congestion in the EIR was erroneously based on traffic predicted in 2020, despite little remaining expansion possible in the Mary Avenue Corridor. Boehm stated that to relieve the traffic tangle expected from the growth of Moffett Business Park, only one lane of traffic should continue north/south on Mary at Central, while requiring all other lanes to turn right/left onto Central. From Mary to the San Jose Airport, the middle lane, now vacant on Central, could become a greenway for public and private electric transportation. She commented that now is the time to protect the City's fragile environment. She stated that since Maude Avenue currently connects to Highways 237 and 101, both ways, it would be imperative that the City work with VTA to find a way to create access ramps between Moffett and the highways. Because the EIR has not adequately considered alternative traffic mitigation, other than the Mary Avenue crossover, she strongly urged Council to vote no and delay certifying the FEIR until alternative traffic mitigations could be thoroughly examined.

Elie Semaan stated he was against the bridge. He felt Council should consider taking people out of their cars – not add more roads and more cars – by providing alternatives such as buses, trains and bicycles. He stated that unless single-family homes were going to be torn down and replaced with high-rise buildings. He said the added 30,000, 40,000, or 50,000 vehicles would be coming from out of the area. He urged Council to vote no on the bridge.

Michael Rose stated Council was elected by the will of the people and that they should listen to the will of the people. He then asked if this bridge was Sunnyvale's version of the infamous "bridge to nowhere," and asked who it would benefit. He stated if Council wanted to really benefit the City and spend money on a traffic program, the Mathilda Avenue/Central Expressway interchange should be corrected so it would move people down Mathilda to Sunnyvale's new downtown. He felt this project was too costly, too old and a feather in the cap for some people.

Kerry Haywood, Executive Director of the Moffett Park Business and Transportation Association (MPBTA), encouraged Council to approve the EIR for the Mary Avenue Extension. She noted MPBTA is a nonprofit, membership-based organization that promotes alternate commute options and advocates for better transportation solutions in and around Moffett Park. The companies that make up MPBTA represent approximately 15,000 Sunnyvale employees who live in Sunnyvale and neighboring cities. These employees experience heavy traffic congestion on current access roads to reach 101, 237 and Central Expressway. She noted that the MPBTA diligently works to reduce the number of singleoccupant vehicles in the Moffett Park area through TDM programs currently in place. Roughly 20 to 30 percent of this employee population takes alternate commute options to Moffett Park. She stated the TDM programs are expensive and are the programs the companies like to provide. With the current economic conditions, additional TDM requirements could be too costly. She noted that traffic congestion relief will only be successful with a diverse plan that includes a place for cars, pedestrians, bicyclists and public transit. She stated the Mary Avenue Extension Project is an important component to the overall solution to move people in and around Sunnyvale. MPBTA urged Council to approve the Mary Avenue Extension EIR with the staff recommendations of Alternates 1 through 4.

Councilmember Whittum asked Ms. Haywood if any businesses in Moffett Park use staggered shifts, have flexible work hours, compressed weeks and utilize telecommuting.

Paige Burgess noted it is very difficult when she has to sit and wait to turn left to get into her driveway. She can only imagine what it would be like in the future. She felt it was ludicrous that this project would not change the traffic patterns beyond Central Expressway. She did not understand how any model could come to that conclusion. She begged Council to consider seriously the one lane in each direction plus a turn lane.

Glen Hendricks stated he had a vision of the City where residents, businesses, commuters, bike riders and pedestrians all lived together and shared the roadways. He stated he believed the success criteria for the Mary Avenue Overpass needed to be considered. He asked Council to not measure success in the short term of the vote but instead to consider the next 30 – 50 years. He wanted to know the impact to the City's overall needs to get workers to their job locations and fashion a strategy to improve the community, traffic patterns, and make a shift away from single-passenger vehicles. He asked that green ideas be incorporated into the solution. He felt the traffic access routes to Moffett Park developments should be improved, but the traffic access should not be increased by using

the same mindsets of the past. He noted he supported Alternative 1 as outlined in Attachment I, but he requested Council consider making the following modification: Build the Mary Avenue overpass, but restrict the use of the overpass to bicycles, pedestrians, buses and high-occupancy vehicles. He did not want to have single-occupancy vehicles allowed on the bridge, and by extension, institute single-occupancy traffic pattern changes in the City.

Hendricks stated that adding the modification would reconfirm the City's green initiatives and directions, create an incentive for people to switch out of single-occupancy vehicles for high-occupancy vehicle usage and acknowledge that the Mary Avenue overpass would impact traffic patterns across the City.

Hendricks asked Council, when approving future developments, to address traffic access patterns at the time projects are approved. If Council believes building the bridge is the appropriate solution for the City's issue, Hendricks asked that Council seriously consider HOV requirements for the Mary Avenue bridge.

Hendricks addressed remarks to Councilmember Moylan, saying he would keep street parking as opposed to bicycle lanes. He believed the reason there is so much ambulance traffic on Hollenbeck is because ambulance drivers have a rest location at the corner of Hollenbeck and Fremont.

Councilmember Howe asked staff about the option of limiting the bridge to high-occupancy and other types of transit. Similar to eliminating trucks on Highway 85 for a certain period of time. Transportation and Traffic Manager Witthaus responded that the City does not have legal authority to implement HOV lanes. An act of the state legislature would be required to implement an HOV lane on a city street.

Bill Ritter stated he is opposed to the bridge because its existence would threaten the quality of life and the neighborhoods of Sunnyvale. He felt the bridge would attract commuters to the interior streets and he thought it was bad public policy. He felt the City should encourage commuter traffic to go to the exterior of Sunnyvale and through the established peripheral corridors (Highway 85 and Lawrence Expressway) into Moffett Business Park.

Ritter said the double-decker Embarcadero Freeway in San Francisco was a travesty. That freeway was erected approximately 25 years ago, lasted a few years, and demolished. He stated it was a mistake in public policy and Sunnyvale can ill afford a similar mistake. He urged Council to reject the bridge and the EIR.

Dan Andker stated he opposed the bridge, but if it does go through, the Mary Avenue three-lane plan must definitely be put in place, with bike lanes. His house is on the corner of Blair and he cannot park on Blair because of the Blair project. He noted cars coming from El Camino Real are often traveling 45 mph when they reach his part of Mary Avenue. Andker noted the project was originally estimated to be \$58 million in 2004. He wondered what the cost would be in today's money, and what would be the added cost of doing the Maude/Central/Evelyn/El Camino Real work. He also noted that Sunnyvale may be looking at paying more for pollution cleanup at the Sunnyvale Mall. He wondered where all of the money was coming from.

Craig Horne supported the Mary Avenue overpass because he was concerned about the impact of limited access. Specifically, he was concerned the combination of developments

at Moffett Park, Onizuka Air Force Base and downtown Sunnyvale businesses would create unmanageable congestion during the morning commute along Mathilda. He stated the congestion would spill further south onto Sunnyvale-Saratoga Road, leading to increased traffic along Hollenbeck and impeding public transit access along Mathilda Avenue. The resulting delays would actually dissuade people from using buses, as well as impeding potential conversion of the traffic lane along Mathilda Avenue to bus only.

Horne felt another access point would be more environmentally beneficial and a safer approach, since there would be less congestion, safer bike routes to school and businesses, and fewer public transit delays. He stated a transformation to clean, quiet, personal transportation is on the horizon and the best move would have been not to have developed the area, or to have waited until sufficient access was in place. In his opinion, residents of neighborhoods adjoining Mathilda and Sunnyvale-Saratoga are bearing the brunt of commute hours. Therefore, the City should not further impact them.

Carl Hekkert noted the traffic situation in the Moffett Park area is unacceptable. He recently bought a home in the east side of Sunnyvale and thinks the east side of Sunnyvale bears a disproportionate amount of the traffic burden now. Having two access points into the Moffett Park area would help the overall traffic flow throughout the City. He also applauded Council's decision to have bicycle access into the area.

Manuel Macias stated he was not sure whether all of the benefits or lack of benefits had been discussed for the proposed bridge. However, nobody had said that it was necessary. He stated he has not seen the traffic increase to a point that he could truthfully say the City needs this or does not need this. He noted the population has risen from 50,000 to 130,000. Even though traffic is a problem, Macias felt it has never been a really big problem.

Macias mentioned the 1972 plan that proposed the bridge. He stated only half of the story was being told – the other side was a bridge over 280. He said Cupertino wanted access to 101. At that time, 85 ended at Stevens Creek. Cupertino wanted access to 101 and to get through Sunnyvale in a speedy manner. The first half of the problem was deleted; Cupertino said no on the 280 overpass. It would lower property values along the corridor. Unless the bridge is absolutely necessary, it should not be considered.

Kevin Jackson, Chair of the Bicycle and Pedestrian Advisory Commission (BPAC), stated he was to provide the official BPAC position. For consideration of certifying the EIR, BPAC felt that even at this early stage of the process, staff had done a commendable job addressing bike and pedestrian accommodation on the bridge. In that respect, Jackson noted BPAC concurred with staff's recommendation to certify the EIR.

Jackson noted BPAC added four recommendations which are listed on page 12 of the report. He gave a brief explanation of why BPAC chose each of the recommendations:

- To emphasize and increase TDM goals. Rationale for the bridge was to accommodate the ever-growing crush of cars. It is important to minimize the problem. He noted there are very good people working as commute coordinators at Moffett Park, and encouraged Council to make the best use of their talents.
- Provide a bike/pedestrian connection to the light rail station. This was Alternative 6
 that was not recommended by staff. BPAC felt it was important because combining
 bicycles or walking with transit would allow many trips to completely be car-free, but
 only if good access to the stations were provided. BPAC felt strongly this item should
 be included unless there was a compelling reason not to do so.

- Establish a monitoring and reporting program for traffic in residential areas south of Central. BPAC was not equipped to assess the seriousness of the resident concerns, but he said it was obvious they were significant.
- Provide the BPAC with multiple opportunities for comment should the project move ahead.

Jackson also commented on something that was not available to BPAC at the time they reviewed the plan: the four- to three-lane conversion of Mary Avenue. He stated the conversion appeared to be feasible. He noted it was part of the county bike route network, so it was not only important for a bicycle corridor, it also meant it would compete well for funding. He stated it was a needed north/south route, and would take cars off of the road during peak travel times. Jackson encouraged Council to look seriously at these points and start a process to answer remaining questions.

Dan Hafeman stated he had been involved with this issue since the first public meeting more than a year ago. In his opinion, Moffett Park does not have good freeway access – especially the Moffett Towers area. Hafeman stated the bridge would not influence that problem, either positively or negatively. According to Table 1, page 8 of the Master Response 1 of the FEIR, 71 percent of the traffic on Mary Avenue is currently out-of-town traffic going northbound in the morning, with 63 percent out-of-town traffic coming back in the evening. He stated that most likely all of the new projected growth – bridge or no bridge, according to the FEIR – would be greater than 30 percent at Mary Avenue and El Camino Real. He noted that most likely, all of the traffic or a significant percentage will be out-of-town traffic.

Hafeman also commented that Mary, Hollenbeck and Mathilda are all connected. Multiple, fast east-west roads connect those three streets. He noted the bridge would increase the volume of traffic that would be able to get into the industrial areas, using surface streets, and would negatively impact all of those streets.

According to Hafeman, one of the ideas that came up to improve freeway access to the area would be the Ellis exit. Working with Manila and Macken, he was disappointed that it was immediately discarded in the FEIR, just as it was in the DEIR because of study that NASA conducted in 2001, and the statement that Macken is on the Moffett airfield side of the fence. Hafeman asked if there had been any study conducted about moving the fence to the other side of the road and Macken, with modifications, as a four-lane extension, combined with the existing Manila. That way, traffic coming from the north on 101 could get into the Moffett Towers area and traffic from 85 and 237 could also use it via Middlefield and Ellis – both industrial area roads.

Hafeman addressed parking on Mary Avenue versus bike lanes. If a tradeoff had to be made, he would prefer the three-lane road. He asked Council to consider what was done on Wolfe – parking on one side for a distance and then parking on the other side. He felt a north-south bike route was needed.

Councilmember Whittum asked staff to comment on Hafeman's question about asking if working with NASA had been an option, would Macken and Manila be used.

Councilmember Whittum noted that Hafeman probably had seen the photo that depicted how the Ellis undercrossing – also called the Moffett overhead – could possibly be used, if combined with Manila and Macken, per an agreement. He asked why that had not been considered, noting that doing so would provide an existing separated access to Moffett Park.

Transportation and Traffic Manager Witthaus stated that option was considered. He noted Macken was not considered; instead, staff only looked at Ellis Street. Ellis Street is between the freeway and the light rail tracks, and there is not enough space to provide additional capacity, due to the light rail trench and the freeway.

Councilmember Whittum asked Transportation and Traffic Manager Witthaus if Ellis was limited, noting Ellis was widened in 1989. He then asked if the current Ellis limitation was capacity. Transportation and Traffic Manager Witthaus stated it was more the portion at the end of the runway of Manila, not necessarily the interchange.

Councilmember Whittum brought up the use of Macken requiring an agreement with NASA. He said if Macken and Manila were used, it was his understanding that there would be additional capacity into Moffett Park. Transportation and Traffic Manager Witthaus noted that if there were an option to connect Macken at either end, it would result in additional capacity.

Gopal Patangay urged Council to vote no on the Mary Avenue EIR. He noted some of the errors pointed out by attorney Alexander Hansen, which were submitted to Council and considered in detail by Transportation and Traffic Manager Witthaus.

Patangay noted the EIR compared traffic conditions in 2020 instead of comparing with 2006 and 2007. He referenced a letter stating it was a violation of CEQA Guidelines 15125. The EIR asserted the extension would not, in itself, generate any traffic and he stated that was not accurate.

Patangay stated there was no comparison of the baseline noise levels and baseline with existing noise levels. The analysis did not disclose any impacts of the project on the existing traffic noise level; therefore, the EIR was legally inadequate. Patangay noted the failure of the EIR to address the environmental impact of the extension, and stated the EIR MAP was flawed.

Patangay discussed the Mary Avenue Extension Bridge Project. He stated the project would move traffic from the Moffett Field area onto a residential street (Mary Avenue) instead of connecting to the Moffett Park area without nearby freeways (101 and 237). This project would cause tens of thousands of additional daily auto trips into residential areas of Sunnyvale, to and from Moffett Park. The project would divert Moffett Park traffic away from Highway 85 onto west Sunnyvale residential streets. He noted there are seven schools within half a mile of Mary Avenue that would be dangerously impacted by more traffic on the street. He also expressed a concern regarding the impact of headlights when cars traveled at night over the bridge.

Patangay felt the alternatives to this plan were not seriously considered: to join the Moffett Park area to the previous existing freeways; and to use mass transit with frequent shuttles from the parking area to the Moffett Park area.

Geeta Patangay stated members of the Sunnyvale West Neighborhood Association wanted Council to stop thinking about the Mary Avenue Extension Project. The EIR did not have enough information to accurately represent current traffic conditions. The assumption of the traffic increase in 2020 is enormous, and to mitigate that traffic Council should think of various ways of transporting people to and from Moffett Park. She asked that Council take the next step and require Moffett Park businesses to provide shuttle service for their employees.

Geeta Patangay restated that there are seven schools in the vicinity of Mary Avenue requiring the City to take measures to reduce auto traffic so that children and adults can bike or walk to school. She said that reducing carbon emissions cleans the air and promotes better health. She urged Council to vote no on the MAEP EIR. She felt saying no to this project would help the City to go green.

Eleanor Hansen reminded Council of Gresham's Law: Bad money drives out good. She believes bad EIRs drive out good EIRs. The EIR currently being considered is monstrously bad and would tend to lower the quality of EIRs in the state. It will endanger the welfare of every resident in the state of California, unborn children and people who will move into the state in 5 to 10 years. If Council certifies the EIR, she will join a legal challenge against it.

Hansen asked what the Council was giving to the new city manager. She compared it to a simulation of the "Texas Chainsaw Massacre." She noted that if a lawsuit is filed, all people who can shed light on the situation will be subpoenaed to find out what the planned growth needs for the Mary Avenue extension for adoption are.

Dawn Cameron spoke in favor of the Mary Avenue overpass. She noted she is a transportation planner who has worked for cities in the area and has worked for VTA and the County of Santa Clara. Based on her experience in transportation planning, she believes that the Mary Avenue extension would be very important for Sunnyvale's future economic health. She felt the Mary Avenue extension would provide a vital north-south connection to one of the main areas of future economic growth for the City.

Cameron said in her experience, Mary, south of Evelyn, will never attract the kind of traffic of an expressway. She pointed out that the driveways along Mary, the on-street parking and the regularly spaced traffic lights limit the speed and the carrying capacity of Mary and with it, the desirability of using it as a bypass route. She also felt staff's recommendation to monitor traffic conditions along Mary makes sense. She noted if a problem developed, there are steps that could be taken to further discourage bypass traffic. She is also open to the two-lane with center turn lane and bike lane option for Mary in her area, if study proves it is feasible. She concluded that controversial decisions cause this time to be one of the most challenging and difficult times to be an elected official. She asked that Council make the decision that it truly believes is in the best interests of all of Sunnyvale for the long term.

David Guerrieri, Vice President of Guerrieri Air Taxi, stated he is very interested in transportation and land use issues. He urged Council to vote no because the EIR is a terrible example of bad government. He said the EIR does not listen, it is not complete, and it is not finished. He also said it is a throwback to last-century thinking, and it does not address today's realities. A "yes" vote would endorse an expensive, cumbersome and inadequate process. A "no" vote would light the way for community collaborative decision making.

Guerrieri stated he talked with some people at NASA and they stated they were not consulted about the possibility of a Manila and Macken alternative. He said that was a perfect example of the kind of thing that collaborative community decision making could enable. He discussed the Wiki that was set up and that after asking Councilmember Moylan to pose his questions on the Wiki. Councilmember Moylan declined. Guerrieri suggested if Councilmember Moylan still had questions he could not vote "yes" on the project, because all of the questions had not been adequately addressed.

Guerrieri noted that a collaborative community decision-making tool would allow the entire city to work together, hear other ideas and come together in a consensus. He pointed out there is a lot of confusion and more work needed; therefore, it was not time to vote "yes" on the project. He hoped the new city manager will embrace a more collaborative process.

Patrick Grant discussed a packet he gave Council. He referred to a drawing and then stated he was glad Councilmember Moylan gave an introduction to the challenge, because Grant noted there is a way to do it. He stated the problem with Mary is the absence of bike lanes. He noted the proposed three lanes on Mary will have the same amount of traffic Mathilda has with four lanes. He encouraged Council to include in the EIR a commitment to creating bike lanes from Washington to Maude. As far as adding three lanes further up, he noted there he had provided information to Council from Walk National for Planners on "road diets." It explained what could be achieved in language that could be understood by those who are not transportation engineers. He stated Mary Avenue will become impossible for bike riding without bike lanes.

Todd Myers stated it was clear from the way traffic is looked at from 85 and what Sunnyvale will be encouraging, that traffic will be increased. Traffic will divert from 85. The plans being considered were put developed in 1972. A lot has been learned in the last 36 years. If more and bigger roads are built, they fill up and get clogged, and then additional more and bigger roads will be built. He noted that some communities have defended rights of residents and have made roads more livable, like Los Altos and Los Gatos, while other communities have become thoroughfares like Santa Clara.

He said that building the bridge will increase traffic Mary Avenue, making it more Mathildalike. The throughways of Remington Avenue and all of the surrounding neighborhoods will become more crowded. He felt the project will be a development for the people who commute to Sunnyvale, not a development for the people who live here. He felt Sunnyvale has the opportunity to plan and modernize our thinking about how we can make this a mixed-use city that innovative instead of looking at plans that were rooted in an old mindset.

Myers stated many people could not attend the meeting, but sent e-mails and letters to Council. There were innovative ideas being suggested, and he asked that Council consider the innovative ideas as alternatives and vote no.

Tito Bianchi, Jr., President of Deerfield Realty, stated Deerfield owns and manages the building at the intersection of Almanor and North Mary (785 North Mary). He stated they spent \$4 million renovating the site to attract new tenants to Sunnyvale. He stated that the bridge, as proposed, would abut up against his building and would remove the majority of the parking. He stated the building is 80,000 square feet that would cost more than \$15 million to replicate, and he felt the plan would render the building useless. He felt there are better ways and more cost-effective ways to solve the problem.

Councilmember Whittum asked if the City would be taking any land or making any easements across Bianchi's property. Bianchi replied that Sunnyvale would go right over the parking lot and abut up against the building. Councilmember Whittum asked staff what would be the process – eminent domain or some other mechanism? Transportation and Traffic Manager Witthaus stated it would be a negotiated acquisition before it reached an eminent domain process. Councilmember Whittum asked if Bianchi did not want to do it, would he have any options. Mayor Spitaleri told Councilmember Whittum that questions to staff, on those kinds of issues, could be asked later. Mayor Spitaleri requested Councilmember Whittum to only ask questions of the individual at the podium.

Arthur Schwartz noted he did not believe the speed on Mary Avenue would not increase with the increased traffic further north. Commuters tend to speed, and a similar problem happened with Blair, which had to be redesigned because of an increase in speed from people traveling a parallel route to El Camino. The same thing will occur on Mary Avenue. The City's goal should not be providing more roadways for cars; it should be to relieve unnecessary use of cars in the first place. He noted Council made a number of decisions designed to make Sunnyvale a greener city, yet Sunnyvale is considering building a bridge to increase the availability and space for car travel.

Schwartz stated there was another solution that he mentioned during some of the hearings on the EIR, but noted the solution was not included in the EIR. He suggested building a one-lane bridge with extra-wide bicycle paths and extra-wide pedestrian sidewalks. The one lane would be reversible: north in the morning and south in the evening. The only vehicles that could use it would be buses, emergency vehicles and electric vehicles that are not freeway legal. Schwartz stated the increase in bus traffic alone would probably take care of all of the increase in capacity needed to get people to Moffett Park. He was not suggesting the EIR, as presently written, should be voted down. However, it should be reinvestigated with alternate methods of transportation, not just allowing a greater increase in cars.

Dean Chu voiced his opposition to the Mary Avenue EIR because he believed the northern Mary Avenue extension would increase commute traffic in Sunnyvale's residential areas. Chu noted a survey conducted by Councilmember Moylan that compared travel times on Mary Avenue between Homestead and Maude, to travel times along Highways 237 and 85. Chu noted survey was conducted starting at 8:30 a.m. Councilmember Moylan assessed the freeway route was faster by about three minutes. However, when business climate improves and freeway congestion increases, or when an accident occurs on a local freeway, Chu believed it would be Mary Avenue that would become the alternate route, creating traffic congestion in local neighborhoods and affecting schools and students.

Chu noted a formal comprehensive assessment of commute travel times needs to be included in any EIR. He quoted planning commissioner Diane McKenna, who stated, "An updated study of the Moffett Industrial Park should be conducted to determine the amount of traffic currently and expected to be generated from this area. Alternative congestion reduction measures must be assessed before any further action is taken."

Chu stated there are four major axis points: Mathilda Avenue, Lawrence Expressway, Fair Oaks and Highway 237. Per the EIR, the principal traffic bottleneck is on Mathilda Avenue at 237. Traffic congestion relief of planned improvements at this location has not yet been completed; therefore they have not been measured. A decision should be deferred until that information is known. The current EIR is essentially an assessment of the Mary Avenue extension and its alternatives, and lacked a rigorous assessment of improvements on the four existing traffic corridors. He felt Council should consider an exhaustive list of alternatives that could individually or, in combination, be less costly than the proposed \$55 million Mary Avenue extension. Lastly, he stated a complete EIR must be detailed in its traffic mitigation and the cost required to ensure traffic does not seep into residential neighborhoods. He felt that to ensure acceptable mitigation measures were planned, neighborhood involvement would be a must. Chu urged Council to reject the Mary Avenue Extension EIR and preserve the neighborhood for Sunnyvale's families and children. Councilmember Howe asked Chu if he currently held a position representing the city of Sunnyvale or the County of Santa Clara. Chu stated he did – he represents all of the cities of Santa Clara County on the Metropolitan Transportation Committee, which is responsible for transit and transportation improvements throughout the nine Bay Area counties. As a result, he has been a member of the VTA Board for the last four years.

Councilmember Lee asked Mr. Chu about his statement that there was a lack of coverage in terms of the EIR regarding forming an artery going to the Moffett Park on the north-south part. Councilmember Lee asked about the modeling showing there is no impact south of Central Expressway on Mary Avenue. Mr. Chu stated he had received a draft copy of the EIR approximately a year ago while he was on Council. He believed the EIR actually showed a slight increase in southbound traffic. He believed that given Councilmember Moylan's survey, it could easily become an alternate route. Therefore, traffic will be increased. He stated he has never supported the construction of the overpass. He added that VTA is planning to do some transit improvements, such as bus rapid transit along the Mathilda corridor, but that will probably be five years in the future.

William Mathews stated he sent a letter to the City in April 2007 because he was worried there was a problem in Sunnyvale with toxic pollutants. No one answered the letter, so he wrote another letter in November 2007 after he read a draft EIR. In the second letter, he stated there were pollutants in the area of the bridge construction and the portion of the Onizuka Air Force Station that the City planned to acquire. A response was not received to the second letter; therefore, he wrote a third letter in September of 2008. To date, he has not received a response to any of his letters, so he attended the Council meeting to ask about a perception question concerning pollution.

Mathews spoke with the UCLA Department of Toxicology about hexavalent chromium, a chemical used to prevent rust, made famous in the movie *Erin Brockovich*. Hexavalent chromium causes headaches and nosebleeds, respiratory disease, liver failure, reproductive failure and problems with bone and organ deterioration, plus all of the known cancers. He noted it is highly toxic, highly carcinogenic, gets into a person's DNA and can be passed onto children.

Mathews presented a City-produced water quality survey report from 2007. He stated the report showed there was no hexavalent chromium in the aqueduct-imported water, but there was hexavalent chromium in Sunnyvale well water. The survey said there was no known location for the Hexachromium 6, yet the Mary Avenue EIR pointed out a location in the Moffett Park/Lockheed area. Mathews asked why Sunnyvale residents were mixing water with baby milk formula and drinking water containing hexavalent chromium. He urged Council not to certify the EIR, acquire property in the Onizuka area, or build a bridge until that poison is permanently removed.

Karl Meyer stated he was opposed to the Mary Avenue bridge. He noted he was fortunate to have a job where he only commuted 2.5 miles from Carson Drive to an office building near the post office. During the dot-com boom, it took 20 minutes to go 2.5 miles. After the dot-com bust, it took 10 minutes, which is what it takes today. He noted the traffic models show there will be no increase in traffic; he does not believe the model.

Mr. Meyer now commutes to Menlo Park. When he wants to take the train to work, he gets off at Menlo Station, and takes a free shuttle to within a couple of blocks of his office building. He noted San Francisco recently created commute assistance for people who live and work in San Francisco. Meyer challenged the City of Sunnyvale to break from the past. He stated Sunnyvale is the heart of the Silicon Valley and needs to do something different than just build more roads.

David Simons stated the main goals needs to be north-south bicycle routes and pedestrian routes throughout the City that basically do not exist. He stated the only potential long-term one is Mary Avenue. He asked that the City do no damage to County Bike Route 15. The

county, the City and the City of Cupertino have already spent upwards of \$15 million on a bridge (over 280 to Mary) that is about to be completed. He stated it is expected there will be approximately 250,000 bicycle trips the first year it is open, thereby reducing that number of auto trips. He wanted the priority to have an emphasis on commute alternatives to reduce the harsh and negative impact unless mitigations were incorporated into the project.

Mr. Simons stated he was concerned with the way the City has handled itself in the last couple of years. Despite City Council and Planning Commission requirements for Moffett Park Towers, some of those requirements that were conditions of approval have not been met, such as sidewalk widths. Both the Planning Commission and the City Council approved extra-wide sidewalks to meet VTA pedestrian design guidelines, but they were not met, and were substandard, compared to the requirements for the condition of approval. He wanted assurance that all mitigations would be followed through and not forgotten if this project were to be approved.

Peter Cirigliano saw the project as a necessary evil for the greater Sunnyvale good. The real problem was the Towers. They should not have been approved and built until after the infrastructure was built to support it. The project is now built and the infrastructure would have to accommodate it. He did not see any reason why Mary Avenue should be exempt, when other roads – such as Mathilda, Wolfe, Hollenbeck and Fair Oaks – are going north-south through residential areas to feed various highways. Cirigliano felt the status quo with the "nightmare" at Mathilda and 237 was not a viable solution; he supported staff's recommendation. He felt staff had satisfactorily studied all impacts and alternatives in addressing concerns. He felt it was appropriate to move forward with the project before it became more expensive.

Harriet Rowe, chair of the Planning Commission, stated the Planning Commission was asked to review and make its recommendation to the City based on the EIR. The Planning Commission attempted to determine whether environmental impacts could be or would be mitigated to less than a significant impact. At its September 22, 2008, meeting, the Planning Commission recommended Council certification of the final EIR for the Mary Avenue Extension Project, as well as Council's formal approval of the project. She noted some of the points that the Commission discussed were impacts of carbon monoxide, carbon dioxide, PM 10s, or the gas particulate. She stated they were assured that the Bay Area Air Quality Board looked into this matter and the Senior Assistant City Attorney told the Planning Commission that levels of particulate matter were already showing a decrease in the Sunnyvale area. It was believed that within five years, they will be less than significant or under federal guidelines.

Rowe stated the Commission asked questions based on the report and input from citizens. One concern was the difficulty of children crossing the highway. The Commission was assured there would be traffic lights, and if there were not traffic lights, a new lighting system would be installed. A traffic monitor on Mary Avenue could be activated if traffic becomes a problem. This monitor would affect the flow of the traffic to allow for crossings.

Rowe pointed out that Sunnyvale has no control over Highway 85. Rowe also stated someone was concerned about a 35-year-old report, but as she pointed out, this has been going on since 1972. Someone else mentioned Ellis Street, but that street belongs to Mountain View.

Rowe stated the Planning Commission approved the recommendation with one dissenting viewpoint from Commissioner McKenna, who did express concern that City not look into an old report which was regional and that concerned the impact of jobs in the area.

Councilmember Lee wanted to make sure the Chair had the opportunity to elaborate on the report of the Commission. He stated he knew the time allotted was three minutes; however, since this report was from the Planning Commission, he wanted Ms. Rowe to elaborate on the opinion of Commissioner McKenna, since hers was the one "no" vote.

Rowe stated that one commissioner reminded the Commission that with the population growth in jobs, there will be a growth in traffic problems, and that it would behoove the City to solve the problems. She also noted that the City had made progress on this problem by working with county, state and federal agencies.

Rowe stated that Commissioner McKenna was concerned with the number of jobs being created and addressed a moratorium on job growth that had been previously discussed by the county. Commissioner McKenna felt it was more of an issue of Mary Avenue and that type of growth was not inevitable.

Rowe noted the Commission used the guidelines they were given – to approve or not approve an EIR and its impacts on the environment.

Tammy Salans pointed out she and others in the audience were wearing green and were not in favor of seeing the project passed. She noted that if anyone needed to leave because of the late hour, there was a clipboard at the back of the Chambers and people needing to leave could write their name and comments which would be handed in at the end of the meeting.

Ms. Salans asked if the cost to buy out Bianchi was estimated when the cost for the bridge was put together. She pointed out that the City would have known Bianchi's property would be impacted and would have to be purchased. She was wondering if that was part of the monies that had been planned for, or if that would be the extra that would exist after the bridge was built. She also pointed out that as the bridge is built, there will be extras that will not come from fees; they will come from Sunnyvale taxpayers. Councilmember Whittum noted the question of whether or not purchasing that property had been figured into the cost was a good one to ask staff.

Donna Jaeger said she has noticed a huge difference in the traffic patterns on Mary Avenue and Blair since the late 1980s. She pointed out that nothing had been mentioned about wheelchair accessibility issues regarding the bridge. She felt it was frightening to cross Mary near El Camino or crossing from Blair. She noted there is no sidewalk. The thought of having even more traffic was frightening to her and her disabled friends.

Public hearing closed at 10:01 p.m.

City Attorney Kahn noted three environmental issues that were raised by speakers, which were not directly responded to by staff: light from headlights as a result of the bridge being built; loss of parking from 785 Mary; and the presence of hexavalent chromium. City Attorney Kahn stated it would be appropriate, at Council's discretion, to allow staff to respond or provide additional information to Council as part of the environmental record on those questions.

John Hessler, Environmental Consultant with David Powers and Associates, agreed to respond. He stated the issue of light and glare was looked at extensively in the Visual Impact section of the EIR, and it was determined that nearby residents would not be adversely affected by light from vehicle headlights on the bridge since the closest residents were three-guarters of a mile to the south.

Hessler stated there was a concern when drafting the EIR whether any lights from the bridge, or the bridge itself, could be a potential hazard to navigation, due to the proximity to the runways at Moffett Federal Airfield. Hessler stated the project was sent to the FAA prior to the release of the document and the FAA sent back a determination of no hazard to air navigation.

Hessler stated an extensive analysis was conducted of the potential adverse impacts to the property at 785/787 Mary and the loss of parking at that property. Hessler noted the property currently has 276 parking spaces. The project would result in a net loss of 49 spaces leaving 227 parking spaces, which substantially exceeds the 157 stalls required by the City's parking standards. Based on the City's standards for a property of that nature and the nature of that business, it was determined that loss of parking would be less than significant. The business would still be viable, based on the City's standards, and it would not result in the need to fully acquire the property.

Regarding the hexavalent chromium issue, Hessler referenced an extensive analysis contained in the draft EIR of the potential for the project to encounter or be adversely affected by hazardous materials, including any groundwater contamination. He noted that a couple of areas were identified with nearby contamination in the groundwater. He noted hexavalent chromium was not one of the chemicals that were found to be present. The chemicals that were found to be present were very common and the EIR identified measures to be undertaken by the project, which was included as part of the project to make sure any kind of work during construction would not result in any adverse effects to construction workers. He said it was felt that issue had been adequately addressed in the EIR.

Mayor Spitaleri closed the public hearing and thanked the residents who presented their points of view and the manner in which it was handled.

Vice Mayor Hamilton asked about the number of parking spaces Hessler discussed in his presentation and the statement that the number would be adequate for the current business. She noted the business had recently been renovated, and asked if the number of parking spaces had been taken into account since the renovation had been completed? Transportation and Traffic Manager Witthaus stated that to the best of his knowledge, the site had not been expanded recently, and the renovations had not affected the parking surveys that were conducted. He noted there is not an easement for the property in question, but there is a demarcation for the project on that property as well as on the adjacent property.

Vice Mayor Hamilton asked for clarification about the demarcation. Planning Officer Trudi Ryan noted that the City's parking requirements in the industrial area provide for a range of a minimum and a maximum number of parking spaces that need to be provided on a property. She stated that the current development of the property exceeds the minimum identified by the analysis. The number of parking spaces that would be necessary for removal would still allow the property to meet the minimum requirement. Staff would not be able to comment on whether or not that suits the purposes of the current tenant since the current tenant may not be the future tenant. She could only reference the zoning regulations, not what a current or future tenant would want in the way of parking.

Planning Officer Trudi Ryan stated that sometimes a property owner can make renovations with a building permit but without being required to have a planning permit. She noted the Planning staff does review building permits – if there is an expansion or change of use that

would affect the requirement for parking – to verify that the parking needs for the site were being met.

Vice Mayor Hamilton asked if there were a building permit but no planning permit, would the demarcation have shown up in the process. Planning Officer Ryan stated she is familiar with the property and there is a demarcation that is an alert to staff and the property owner that at some time in the future, there could be a need for that property. It is not the same as an easement or an official plan line, which restricts the use of that property. It is there only as an informational item. It does not affect Planning's ability to say "yes" or "no", but it does provide a point of conversation to alert the property owner that there is something going on that he/she needs to be aware of.

Vice Mayor Hamilton then asked if the cost of acquiring the property had been factored into the cost of the bridge. Transportation and Traffic Manager Witthaus verified it had.

Vice Mayor Hamilton asked Mayor Spitaleri if she could ask a question of the audience and request a show of hands. Mayor Spitaleri approved her request. She asked how many people had taken alternate transit to attend the meeting. She then asked how many people had driven to City Hall.

Vice Mayor Hamilton stated she had heard comments about not wanting people outside of the City to use Sunnyvale streets. She asked how many people had ever driven to the Cupertino Library or to Vallco or through Lakewood Village to get to the Mercado or driven to Full Circle Farm.

Councilmember Whittum noted public hearings have been reopened before, and he felt Bianchi had something to say. Councilmember Whittum felt that listening to him would be informative in assisting Council to make an informed decision. He said it sounded like Bianchi's property might be taken, and he should be allowed to speak to the issue. Mayor Spitaleri denied Councilmember Whittum's request.

Councilmember Howe stated that he did not know how it would serve the public by not reopening the public hearing. He did not feel it would harm Council to hear what Mr. Bianchi had to say. Mayor Spitaleri denied the request to reopen the public hearing.

Councilmember Whittum stated he would like to appeal the Mayor's denial to Council. He felt Bianchi had rights and it would not hurt the public interest to hear what he had to say. Councilmember Whittum asked for a vote and said he wanted to know if Council could hear from Bianchi. Mayor Spitaleri noted he was making the decisions. As Chair (Mayor) of the committee he was running the meeting, and his decision was final. Councilmember Whittum asked for a point of order. Councilmember Whittum stated that a ruling by the Chair could be appealed to Council, and he was appealing the Chair's ruling. City Attorney Kahn noted Councilmember Whittum was correct that a ruling by the Chair could be appealed to Council. It would be in the form of a motion, require a second, and then if there were a second, it would be debated and voted on.

MOTION: Councilmember Whittum moved to have Council vote on reopening the public hearing. There was no second and Mayor Spitaleri declared the motion dead from lack of a second.

Councilmember Howe addressed the issue of the property that had the demarcation on it, and asked if it were on the plat map recorded with the county. Transportation and Traffic

Manager Witthaus stated he believed it was on the assessor's parcel map, but not the plat map. Councilmember Howe stated he thought they were one and the same. Transportation and Traffic Manager Witthaus stated they were not the same.

Councilmember Howe stated his questions were based on the premise that the EIR were ratified and approved, and the project moved forward. He asked if there was anything on South Mary between Homestead and Fremont that could not be changed (i.e., go back to four lanes, parking on one side, bicycles, or anything else). Transportation and Traffic Manager Witthaus stated things could be changed with the appropriate level of environmental review, but the project does not prevent that process from happening. Councilmember Howe clarified he meant physically, and Transportation and Traffic Manager Witthaus responded there was not.

Councilmember Howe posed the same question for the area of Mary Avenue between Fremont Avenue and Remington. He asked if there was anything physical that would be changed if the project were approved. Transportation and Traffic Manager Witthaus responded there was not. Councilmember Howe asked about the area between Remington and El Camino. Transportation and Traffic Manager Witthaus said no. Councilmember Howe asked about the area between El Camino and Maude. Transportation and Traffic Manager Witthaus said no; however, he did note that at the Maude intersection, the project would require the addition of a right turn lane in the southbound direction to mitigate project impacts at Maude and Mary Avenue. There would be a physical change required because of the project.

Councilmember Howe asked if, with that physical change, it would change the ability of the City to go forward with one lane in each direction and a middle turn lane and parking or no parking or bicycle lanes. Transportation and Traffic Manager Witthaus said no, and noted that in that stretch, there were already bicycle lanes, a turn lane, and multiple lanes. He stated the turn lane would not change the ability to change to that configuration as well.

Councilmember Howe asked from Maude Avenue to the building in question, if there would be anything that would be physical on that street that would not allow the City to have either two lanes or four lanes or parking or not parking, maybe not all at once, but physically. Transportation and Traffic Manager Witthaus said no.

Councilmember Howe stated that once a person reached the bridge, he imagined there would not be anything to do with the bridge that would constrain the ability of the City to include bicycle lanes and/or a number of lanes in travel. Transportation and Traffic Manager Witthaus stated that as the project is currently conceived, it would be four travel lanes, with two in each direction; bicycle lanes in each direction; and sidewalks in each direction. Councilmember Howe asked if the City chose to have one lane in each direction, would that still be physically feasible. Transportation and Traffic Manager Witthaus said it would be feasible.

Councilmember Howe noted if the bridge were built, Transportation and Traffic Manager Witthaus had stated earlier there was the potential that the bridge could not be limited to more than one person in a car and/or a bus or other forms of transportation. Councilmember Howe said that Transportation and Traffic Manager Witthaus had stated that on a city street, the City cannot restrict the movement to high-occupancy vehicles or buses. Councilmember Howe asked if that was an accurate statement. Transportation and Traffic Manager Witthaus stated it could not be done without state legislation.

Councilmember Swegles noted a resident had suggested two lanes plus a left turn plus parking plus a bicycle lane, and Councilmember Swegles thought he heard Transportation and Traffic Manager Witthaus say that the road is not wide enough to include all these features. Transportation and Traffic Manager Witthaus stated that in the area south of Evelyn, the road is not wide enough to have the existing four lanes – two lanes in each direction – bicycle lanes in each direction, and parking on both sides of the street.

Councilmember Swegles stated Caltrans supported Councilmember Moylan's finding. Councilmember Swegles asked if that was correct. Transportation and Traffic Manager Witthaus stated he did not know that Caltrans had taken a position on Councilmember Moylan's finding. There was an e-mail, but Caltrans did present some additional data on travel times. He noted they provided data without presenting an opinion or a position. Councilmember Swegles stated he believed it was significantly different than the original. Transportation and Traffic Manager Witthaus stated they presented some additional information that showed reduced travel times.

Councilmember Swegles asked if there was current traffic information, and Transportation and Traffic Manager Witthaus stated there is an entire section on existing traffic. Councilmember Swegles asked about the statement that was made about the EIR being bad. Transportation and Traffic Manager Witthaus stated that was a decision for Council.

Councilmember Swegles asked if synchronizing traffic lights would be necessary if the bridge were built, since lights are not currently synchronized. Transportation and Traffic Manager Witthaus stated it was correct that signals are not coordinated at the current time; however, there had been a coordination system in place in the past. He stated it was determined not to be necessary, and then the technology became so obsolete that it was removed. There have been two infrastructure replacement projects recently for traffic signals: one at Mary and Fremont, and one at Mary and Washington. The City put in the infrastructure for future interconnection. The ability to put in coordination exists, but the traffic volumes do not warrant coordination at this time. Transportation and Traffic Manager Witthaus noted decisions regarding signal operations are an operational issue, and if conditions warranted synchronization, staff would move to implement synchronization. Transportation and Traffic Manager Witthaus asked City Manager Chan how that would be handled if Council gave direction not to implement synchronization. City Manager Chan stated that unless Council thought it was germane to the certification, she asked Council not to include it as a direction to staff.

Councilmember Swegles referred to a member of the public who suggested there was a study done on Mathilda Avenue traffic, by the Highway 237 interchange that was yet to be completed. He asked if that was correct, and Transportation and Traffic Manager Witthaus stated there was an improvement project in the City's strategic program and the Valley Transportation plan to make improvements at the Mathilda/237/101 interchange. He stated it is a reconfiguration of some ramps, a relocation of frontage roads and elimination of traffic signals, and the project will be pursued similar to the Mary Avenue project. He also noted that it was a long-lead-time project to support General Plan growth. Currently the conceptual engineering and environmental clearance have not begun and it is anticipated that the project will be started in the next one to two years. Councilmember Swegles asked if it would definitely be completed prior to any work on the Mary Avenue project. Transportation and Traffic Manager Witthaus stated that it would be done prior to construction of the Mary Avenue project.

Councilmember Swegles asked about a resident's statement regarding waste storage at Onizuka. He noted he serves as the Chair of the Local Redevelopment Authority, and he did not recall this information in any of the environmental reports he had seen. He asked if waste storage was something that was or was not found. John Hessler, David J. Powers, Associates, noted that the areas within the footprint of the project were the areas of concentration and that constituted a narrow search. He noted if there were areas that are set back in the vicinity, but would not affect the project, that would not have come up because they were really looking for effects on or by the project. Councilmember Swegles then asked for clarification in regards to anything on Onizuka not having an effect on the project. Mr. Hessler affirmed that was correct.

Mayor Spitaleri decided to open the public hearing for one issue – parking, since he was informed that once a vote is taken, no additional information can be given. For that particular item, he decided to have Bianchi address Council and all Councilmembers supported his decision.

Public hearing opened at 10:27 p.m.

Tito Bianchi, Jr. stated he was representing the ownership group, Deerfield Realty, for that property. He stated staff's quoted parking numbers were inaccurate and pointed out the consultant quoted 279 spots. Bianchi noted the consultant did not realize that a good portion of their parking was on land they lease on a month-to-month basis from the San Francisco Water Department. Therefore, they do not have 279 parking spots at that location. He noted the 2.0 per 1,000 parking may be the zoning, but as soon as the property is taken from the current 3.4 per 1,000 parking to 2.0 per 1,000 parking, it will render the property economically useless to them. He stated it would not be a situation where removing a few parking spots would be something that could be absorbed because the lot is big. He pointed out that the property bigger and more valuable than theirs on the other side of the proposed extension would have the same problem. Eliminating parking would create a dead-end access point on his property, and he did not think the fire department would be interested in that sort of circulation.

Mayor Spitaleri asked how many parking spots are leased on the property, and Bianchi said it was approximately 50 spots directly on the easement, but then circulation would need to be considered. They have the right to sell or lease parking spots to another neighbor, and if they lost the land under the easement, not only would they lose the parking spots that are directly striped in the easement, they would lose access. He noted parking is based on circulation and access. They would lose access to other parking spots, so the parking would have to be reconfigured, and he imagined the parking would be further downgraded as a result.

Vice Mayor Hamilton asked Bianchi who the property is leased from, and Bianchi responded it was the San Francisco Water District. Vice Mayor Hamilton asked how long the agreement had been enforced, and Bianchi stated it is currently on a month-to-month basis. There is no long-term lease in place; however, the lease has been in place for approximately 20 years. Vice Mayor Hamilton asked if Bianchi had reason to believe the Water District would take the parking spaces away if a building could not be built on the property. Bianchi stated it was not that simple, and the Water District might be interested in quadrupling the rates, at which point it might not be viable for Bianchi's company to continue with the lease. Vice Mayor Hamilton stated that was a different question, but Bianchi stated it was related to the situation and not different at all. He said it was similar to saying building the bridge only rendered a few of their parking spaces not viable. He noted it

would render two-thirds of their building not viable when there would be bridge abutting glassed office windows. He said it was a much bigger issue than buying a piece of land from them. Vice Mayor Hamilton noted her point was that the Water District would not take the property away from Bianchi's company and put another building on it because there is a waterway underneath. Bianchi agreed with her on that point. Vice Mayor Hamilton said it would be a different issue if they quadrupled the company's rates. She pointed out that the land on the other side of the bridge from his company was currently under easement with the City.

Councilmember Whittum asked Bianchi what he would advocate that Council do to resolve the parking spaces issue. Bianchi said it was not his area of expertise, but he noted it could not be cost effective for the City to have to cover the delta between what the property is worth now and what it would be worth with the bridge. He felt there must be a better way of getting into Moffett Park instead of running it through private property.

Public hearing closed at 10:32 p.m.

Councilmember Whittum asked if the project were halted, how much City money would be spared for other infrastructure improvements. He noted staff had stated that impact fee funds can only be spent on projects that mitigate the impacts of trips from forecasted new development. He wanted to clarify that there was a \$25 million balance in TIF fees, and he believed that a balance was available to mitigate traffic impacts. He noted north-south bicycle connections would be an example. Transportation and Traffic Manager Witthaus noted it was linked to a specific list of projects, so the specific list of projects and the technical studies that identified the specific list of projects and the decision-making process that approved the specific list of projects would need to be revisited.

Councilmember Whittum stated if a bicycle bridge were built at the end of Mary Avenue it would facilitate bike/pedestrian access and wheelchair access to Moffett Park. He asked if that would be an example of such a project that could benefit from the existing TIF balance. Transportation and Traffic Manager Witthaus stated impact fees potentially could be used to construct that kind of a bridge, but technical substantiation would need to be conducted to show how much benefit the bridge would provide, how much traffic it would relieve and how much that cost would be assigned per trip from growth.

Councilmember Whittum asked if Mary Avenue was changed from two plus two to two plus a turn lane and bike lanes, what would happen to the capacity on Mary. An example, discussed by e-mail, was Charleston (running between Alma and Middlefield) in Palo Alto. He noted a couple of reports from Palo Alto: one was an April 30, 2008 report on the Charleston and Arastradero Corridor Improvements Update: and the other was the May 12, 2008 SEMAR 24108 document. Councilmember Whittum thought the result of the study said that it was possible to downgrade to two plus one without harming the capacity of the roadway. A response came back from the Director of Public Works that corresponded to 18,000 or fewer Therefore, if there is too much traffic, that idea would not work. He asked Transportation and Traffic Manager Witthaus to discuss that in the context of Mary Avenue. Councilmember Whittum looked at data for number of vehicles: south of El Camino Real there were 19,700, and north of El Camino Real there were 21,000. He noted in that Sunnyvale area, there were more than 18,000. However, if some bikes were taken off. perhaps the number would be reduced to 18,000. Councilmember Whittum asked Transportation and Traffic Manager Witthaus to discuss the effect of the downgraded two plus one on capacity. Councilmember Whittum thought it might hurt capacity, but he was not clear as to what degree.

Transportation and Traffic Manager Witthaus noted that in terms of a capacity measurement of what going to two lanes would do, the EIR looked at assuming two lanes in the entire residential area and going through certain, more crowded intersections. The EIR found that going to only one travel lane in each direction at the busier intersections, those intersections will become congested because of heavier traffic volume. Councilmember Whittum asked if that included a turn lane in the middle, and Transportation and Traffic Manager Witthaus said it would include a turn lane at the intersections, but it would take away one of the through travel lanes at intersections. There would be a capacity impact because there are too many cars going through to meet Sunnyvale's service level standard.

Councilmember Whittum asked for clarification noting the future traffic levels will be twice what they are now. He asked if Transportation and Traffic Manager Witthaus' statements were in the present traffic levels or the future traffic levels that the analysis would apply. Transportation and Traffic Manager Witthaus stated it was future traffic levels. Councilmember Whittum commented that corresponded to the earlier statement that 18,000 is a threshold, and he was asking about the current conditions. Transportation and Traffic Manager Witthaus stated the current conditions are actually greater than 18,000 as well. Councilmember Whittum stated they are currently 19,100. Transportation and Traffic Manager Witthaus said it was likely there would be service level impacts in the existing condition as well.

Councilmember Howe asked if the EIR and project were to be approved, and there were all sorts of decisions to be made (e.g., four lanes vs. two lanes, bicycle lanes, etc.), who would make that decision. Transportation and Traffic Manager Witthaus stated that according to Council's recently adopted roadway configuration policy, Council would make those decisions. Councilmember Howe asked when the decision would be made and whether or not it would be made that evening. Transportation and Traffic Manager Witthaus stated that the decision would not be made that evening since there would be additional environmental analysis that would be required. He also noted that the issue could be prioritized as a bike lane project for staff to consider and said that the Mary Avenue project could be elevated on the bike CIP priority list currently being used for seeking grant funding.

MOTION: Vice Mayor Hamilton moved, and Councilmember Howe seconded, to approve staff recommendation: Council approves Alternative 1:

• Council adopts the attached resolution (Attachment I) of findings, certify the Final EIR for the Mary Avenue Extension Project.

Vice Mayor Hamilton stated a lot of the discussion around this was centered on whether or not to build the bridge and whether or not to delete the project. She stated the only way to delete the project would be to take it out of the General Plan, and she noted that was not being considered tonight. She stated not approving it might result in the City spending more money on an EIR. She felt staff had done a thorough job, and Council had enough information to proceed with a decision. She urged Council to support the motion.

Councilmember Whittum stated he would oppose the motion. He felt it was not prudent to move ahead, and he thought a closed session was needed with City Attorney to talk about the Amy Skewes-Cox letter. He stated the choice of the project baseline was inconsistent with CEQA Section 15125. He also stated the environmental document needed to examine the foreseeable pattern of new development that would occur if the bridge were to be built, including denser development than is presently zoned on Mary Avenue. Additionally, Councilmember Whittum stated the Land Use and Transportation Sub-element should be

revised and then come back to revise and then circulate the DEIR, based on what the community adopted as a Land Use and Transportation Sub-element. He felt it was better to ask questions about the attorney's letter in a closed session; however, he noted different concerns the letter raised. He also noted if the Mary Avenue project ended up in litigation, there would be a big delay and expense.

Councilmember Lee stated he would not support the motion. He felt there were some issues and alternatives that had not been completely considered, as mentioned by various speakers. He also referred to the Amy Skewes-Cox letter which cast doubt in different areas. He felt the City should be sure that all issues are being carefully considered. He did not see a real urgency on this issue, and felt the issue should be continued instead of approving it that evening.

VOTE: 5-2 (Councilmembers Lee and Whittum dissented)

MOTION: Councilmember Howe moved, and Mayor Spitaleri seconded, to approve the balance of staff recommendations: Council approves Alternatives 2, 3, 4 and 5, with the addition on Item #2 that staff includes looking into the possibility of the limitation to high-occupancy vehicles as well as buses, etc. on the bridge.

- 2. Council formally approves the project, and directs staff to proceed with the Mary Avenue Extension Project design and construction as generally outlined in this report.
- 3. Council directs staff to monitor traffic conditions on Mary Avenue south of Central Expressway by staff to ascertain whether traffic congestion or safety issues warrant the consideration of implementing engineering measures.
- 4. Council directs should the project be approved, provide BPAC with opportunities to review and comment on the project construction plans as an information item.
- 5. Council emphasizes and increases to the extent possible the TDM program goals of companies within Moffett Park.

Councilmember Whittum asked for clarification of the present project. He asked if it included downgrading from two plus two to two plus one. He offered a friendly amendment that the project include study of a downgrading from two plus two to two plus one on Mary Avenue. Councilmember Howe did not accept the friendly amendment, and stated that would be done in a public hearing before Council at a future date.

Councilmember Whittum offered a second friendly amendment that the project include a bike/pedestrian connection to the light rail station. Mayor Spitaleri deferred to staff. Transportation and Traffic Manager Witthaus clarified that connection is included in the project and the environmental certification. It was assumed to be part of Alternative 2; therefore, that connection was considered to be part of the project. Councilmember Howe asked Councilmember Whittum if that was acceptable to him. Councilmember Whittum noted that was not what the language said. He referred to page 4 and proposed it to read the project *will* include. Councilmember Howe did not accept the friendly amendment and stated it was best to leave it to staff and future Council.

Councilmember Swegles clarified that Councilmember Howe was including the rest of the alternatives, and Councilmember Howe confirmed that was accurate. He also suggested looking at how to limit the bridge so it would be – as a possibility – to do it with the state and what that option would be.

Vice Mayor Hamilton asked if Councilmember Howe was directing staff to explore the possibility of putting in HOV lanes or making it HOV only. Councilmember Howe replied staff said it could not be done without state legislation. It was also noted that Hendricks mentioned that it would be nice to have that option. Councilmember Howe felt the future Council should be able to have that option, and if they adopted it, not have the state outlaw it. He stated it would not be mandating it. Vice Mayor Hamilton stated she wanted to be sure she understood what Council was about to vote on and she wanted to be sure the vote did not approve a design, only approve moving forward and bringing a design back to Council. Councilmember Howe stated he thought it somewhat approved a design, but whether it was two lanes or four lanes or bicycle lanes, staff would bring back options for Council to consider, including the portion that Councilmember Whittum requested. Councilmember Howe noted Councilmember Whittum requested that it be mandated instead of having it as an option for future Council. Councilmember Howe thought all should be options and subject to a public hearing. Vice Mayor Hamilton said she would like to speak to the motion when the friendly amendments were completed.

Councilmember Moylan offered a friendly amendment to request that staff move the Mary Avenue Class 2 delineated bike lane up to top priority and include that as an investigation.

Councilmember Howe asked Transportation and Traffic Manager Witthaus to clarify what Councilmember Moylan suggested. Transportation and Traffic Manager Witthaus stated he thought the difference was how the City would approach roadway configuration projects. Currently, there is a list of suggested priorities, and staff uses those priorities to seek out funding. Once there is funding, then project-specific planning is started for that project to end up with a final roadway reconfiguration, a design and then a project bid. He noted what was being said was to make this project the first priority for finding money to do a study. Once the money was found, staff would come back with a study and present Council with impacts and benefits of a four to three conversion. Councilmember Moylan added parking could be eliminated and the bike lane could be added. Transportation and Traffic Manager Witthaus stated that as the policy states: it would be a study of alternative configurations. Councilmember Howe also noted Council would have the final decision, and the bike lane from the bridge at Cupertino all the way down into Moffett Field would be included. Councilmember Moylan concurred that as many citizens have suggested, Mary Avenue could be a place that has a Class 2 bike lane all the way from the bottom to the top. Councilmember Howe accepted the friendly amendment.

Vice Mayor Hamilton asked if Councilmember Howe wanted to speak to the motion. Councilmember Howe noted the Mary Avenue Project has been in the works for a long period of time, and he felt there was a fairness issue dealing with people who live and work in and around Hollenbeck, Wolfe, Fair Oaks and Mathilda Avenues. He asked if the project will impact the City; his answer was yes. He stated Council already knew Moffett Park would impact the City as it went through the planning years ago. He noted the current project would be one way of continuing the plan for accessing Moffett Park. He said he personally wanted to see the bridge limited only to HOVs and buses, but he did not want that to be decided this evening. It should be decided at a later date, and he felt it would be a very positive way of improving what goes on with the transportation demand management programs.

Vice Mayor Hamilton said she did find it a little troubling that many of the citizens at the meeting talked about "their" street. She noted others said they did not live on Mary, but they saw a lot of traffic in their own neighborhood. She also noted there had been many suggestions about new technologies and mass transit. She did not think this was the project

for pioneering a new mass transit infrastructure. This project has been planned for a long time; however, that was not an excuse to build it, but it was a reason to look at it and find out if it was still going to meet the City's needs. She did not necessarily support the idea of HOV only or bus only, because she thought there were new technologies that would make personal transportation more energy efficient (e.g., smart cars, Tesla). She noted that in 12 years, mass transit could look very different, and she did not feel Council was in a position to make that decision that evening. She stated that when she read the report, she saw that staff was committed and Council, if it voted to do this, was committed to doing everything possible to address it. Council bases their decisions on the best knowledge they have at the time. She stated it is continuing to build up an infrastructure that has been planned, and she felt it was an appropriate infrastructure plan and the right decision to make.

Councilmember Whittum said he would not support the motion. He stated if the bridge were not pursued, the \$25 million in TIF fees could be spent on alternatives which serve the purpose and neither the project, including a bike bridge at Mary Avenue to Moffett Park; reconfiguring and improving capacity of the Mathilda/Central interchange; improving the capacity of the Central to Middlefield connections; and improving Manila Drive. He also noted the City could work with NASA instead of ignoring them, and look at what Patrick Grant proposed – using Manila and Macken to give commuters two lanes each way into Moffett Park. He stated Council could look at mass transit such as a community or CalTrain shuttle to serve Moffett Park and Sunnyvale. Councilmember Whittum noted Mountain View has several shuttles, but Sunnyvale does not have a shuttle that services Sunnyvale. Such a service would be much less expensive than a supposedly \$55 million bridge. He was certain the bridge would cost more than \$100 million. He felt Council was looking at an extravagant use of money and the project was out of step with the times. He noted that none of the General Plan references predated AB32, and felt the project was a dinosaur of a project and a waste of money.

Councilmember Moylan asked if something could be done that is good for the citizens of Sunnyvale without hurting some of the citizens of Sunnyvale. He stated that applies to both the bridge and the concept of reducing lanes on Mary Avenue. He stated everyone's interests were legitimate, and noted Council's job is to do its best for all Sunnyvale citizens. He is concerned that Sunnyvale is developing too rapidly and in the wrong order, and the whole idea is to not be growing out of control. He also noted that he voted against the Moffett Towers Project. He pointed out roads do not create traffic; housing developments and job developments create traffic. He stated once the Moffett Towers Project was put in, the bridge pretty much would have to be built, unless hard data could be produced that the bridge would destroy the neighborhoods.

Councilmember Moylan quoted Dan Jaeger from page 140 of the EIR who said, "The seven new buildings in Moffett Park clearly constitute growth beyond the limits allowed by the General Plan. An exception was granted for the high-density office buildings, with the understanding that the Mary Avenue Extension Bridge would provide for the increased traffic. That exception should never have been allowed until the bridge was approved and funded." Councilmember Moylan stated he agreed with that statement. He noted the trafficgenerating "thing" was put in place; therefore, the infrastructure must be put in place.

Councilmember Moylan agreed with citizens pointed out to him it would be better if increased traffic were addressed using mass transit. He noted the light rail line Sunnyvale had proposed down Mathilda Avenue lost out to Mountain View in 1991. Sunnyvale was then promised it would have bus rapid transit; however, VTA has been lowering Sunnyvale on the priority list for bus rapid transit for several years. Councilmember Moylan ran several

tests of his own to check travel times along several routes and every bit of evidence says the new bridge will not dramatically affect the neighborhoods in question. He noted the bridge will help commuters who are stuck on Mathilda Avenue, and those are the people Council is trying to help – Sunnyvale citizens and City workers, not people from out of town.

Councilmember Moylan noted if Council voted no on the Mary Avenue project it implies that the Moffett Park Specific Plan should be scrapped and redone. The Council approved a requirement that any building above a certain size had to be built green, and Moffett Park came under that requirement. Councilmember Moylan said he was compelled to stand behind that project and move forward on the Mary Avenue project to further alleviate congestion. Councilmember Moylan stated everything he can measure says the bridge plan will not hurt the neighborhood, but it will help our neighbors on Mathilda; that is why he will support the motion.

Mayor Spitaleri stated he agreed with many of Councilmember Moylan's points. He noted Moffett Park was approved without thinking about the infrastructure and the problems that would be created. He stated it was important to see how Council's decisions would impact all Sunnyvale residents. He looked at all of the traffic on Fair Oaks, Wolfe, Mathilda and Lawrence, and noted as more development was occurring, traffic was increasing. The traffic needs to be spread out, and Council needs to make Moffett Park work since it was approved by Council. He did not think the project would be detrimental to the neighborhood, and he did not believe there would be the amount of traffic that residents are concerned about.

VOTE: 5-2 (Councilmembers Lee and Whittum dissented)

Councilmember Lee stated that now that the motion had been approved, he will sponsor a study session to look at mitigation designed to discourage traffic going from Highway 85 onto Mary Avenue northbound.

4. ORDINANCE NO. 2881-08

Adoption of Ordinance No. 2881-08 Amending Section 19.28.090 of Chapter 19.28 (Downtown Specific Plan District), Table 19.28.090 (Lot Area, Building Height, and Lot Coverage) and Section 19.28.130 (Signs) of Chapter 28 (Downtown Specific Plan District) of Title 19 (Zoning) of the Sunnyvale Municipal Code Related to Height and Signs

City Attorney Kahn presented the staff report.

The title of the ordinance was read by City Clerk Borkowski.

MOTION: Councilmember Howe moved, and Councilmember Swegles seconded, to approve staff recommendation: Council approves the second reading of Ordinance No. 2881-08.

VOTE: 7-0

5. ORDINANCE Adoption of Ordinance No. 2882-08 Adding Chapter 9.30 Regulation NO. 2882-08 Shopping Carts

6. ORDINANCE Adoption of Ordinance No. 2883-08 Amending Section 1.04.050
NO. 2883-08 (Citation Authority Delegated) of Chapter 1 (General Penalty of Title 1
[General Provisions]) of the Sunnyvale Municipal Code

City Attorney Kahn suggested Items 5 and 6 be taken at the same time. He said these were the second reading of two ordinances, both related to shopping carts. Mayor Spitaleri agreed to the reading of both ordinances. City Attorney Kahn reiterated it was the second reading of two ordinances related to shopping carts on the public hearing calendar because there was not a unanimous vote at the previous meeting.

MOTION: Councilmember Howe moved, and Vice Mayor Hamilton seconded, to approve staff recommendation: Council approves the second reading of Ordinance No. 2882-08 and Ordinance No. 2883-08.

The titles of the ordinances were read by City Clerk Borkowski.

VOTE: 7-0 for Items No. 5 and 6.

NON-AGENDA ITEMS & COMMENTS

COUNCIL:

Councilmember Whittum noted newspaper articles he thought were interesting: Thursday, October 23, 2008 *The Wall Street Journal* page A3 article titled *CalPERS Looks to Shore Up Assets*. The article reported that unless returns improve, CalPERS is poised to impose an estimated increase in employer contributions of 2 percent to 4 percent of payroll; and October 24, 2008 *Mountain View Voice* which was titled *City is in Good Shape for Now or for Mountain View, But Officials Warn of Uncertain Future During Annual State of the City Address*. "Our revenues are no longer growing to match our expenditures" (referring to property and sales tax).

Councilmember Lee stated that the next open public sessions will be November 18, 2008. Councilmember Lee noted Election Day will be November 4, 2008. He also noted the *San Jose Mercury News* was expecting an 85 percent turnout, and voters could vote early at the Registrar of Voters.

Councilmember Swegles noted both absentee voters and those who vote at the precincts will receive "I Voted" stickers. He suggested residents become permanent *Vote by Mail* voters.

Councilmember Lee gave the phone number of 299-VOTE to make sure a person's ballot has been received and counted.

Mayor Spitaleri thanked staff and the committee that worked on the pet parade. Hats off to Public Works, Public Safety, Office of the City Manager, the committee, downtown association, Rotary Club all those who made the pet parade one of the best community involvement activities that Sunnyvale has seen in many years.

Councilmember Swegles stated there will be a special board meeting regarding term limits at the Santa Clara Valley Water District. The closest meeting to

Sunnyvale would be in Mountain View on November 3, 2008 from 6 p.m. to 7:30 p.m. at the Historic Adobe Building.

STAFF:

City Clerk Borkowski noted that although the City of Sunnyvale was not an actual polling place, Vote By Mail ballots could be dropped off at the Department of Finance at 650 Olive Ave.

INFORMATION ONLY REPORTS/ITEMS

- Tentative Council Meeting Agenda Calendar
- RTC 08-324 Opportunity for Council to Appeal the Decisions of the Planning Commission of October 13, 2008 and the Administrative Hearing of October 15, 2008
- Draft Minutes of the Boards and Commissions Interviews of October 21, 2008

ADJOURNMENT

Mayor Spitaleri adjourned the Council meeting at 11:17 P.M.		
Katherine Bradshaw Chappelear Interim City Clerk	Date	